

Remarks

Claims 13-23 and 25 and 26-36 are pending in the application. Claims 1-12 and 24 have been withdrawn from consideration by the Examiner.

Claims 13-23 and 25 have been rejected under 35 U.S.C. § 102 (b) as being unpatentable over Biedermann, U.S. Patent No. 5,972,031. The Examiner alleges that Biedermann discloses a spacer comprising a tubular body having first and second ends wherein each end has a rim, a longitudinal axis, a perimeter defining a jacket wall extending in the direction of the axis. The Examiner then incorrectly asserts that a plane tangent to the jacket wall of the first body section intersects the longitudinal axis. Applicants respectfully disagree with the Examiner's position.

Biedermann shows that the plane tangent to a said first section on said the jacket wall is always parallel to the longitudinal axis of the spacer. The tangent plane NEVER intersects the longitudinal axis of spacer as required by the Applicants' claims. The jacket wall of the Biedermann patent NEVER TAPERS as required by the Applicants' claims. Therefore, Applicants' submit that the Biedermann reference cannot anticipate the claimed invention. Withdrawal of the rejection is respectfully requested.

Examination of new claims 26-36 is respectfully requested. Applicants submit that the references either alone or in any combination fail to anticipate or render obvious the claimed invention.

In view of the amendments and arguments presented herein, the application is considered to be in condition for allowance. Reconsideration and passage to issue is respectfully requested.

If the Examiner has any questions, he is respectfully requested to contact the undersigned. Please charge any additional fees and/or credit any overpayments associated with this application to Deposit Order Account No. 501581.

Respectfully submitted,

Biedermann et al., Applicants

A handwritten signature in black ink, appearing to read "Jm Slonaker", written over a horizontal line.

Jennifer Mae Slonaker
Registration No. 50568
Attorney for Applicants
Phone: 717.399.1535
Facsimile: 717.291.4660